

Applicant's Attorney respectfully disagrees with this assessment. One of ordinary skill in the art, given the teachings of the Specification regarding agents that alter activity of NOS isoforms (see, e.g., the section entitled "Peptides" on p. 17 *et seq.*), would be able to prepare derivatives and identify activating fragments without undue experimentation. Nevertheless, in order to expedite prosecution of the application, the phrase "activating fragments or derivatives" has been deleted from the claims.

CONCLUSION

In view the amendments and discussion presented above, the application is in condition for allowance. Applicant's Attorney respectfully requests the Examiner to reconsider and withdraw all rejections.

If the Examiner believes that a telephone conversation would expedite prosecution of the application, the Examiner is invited to call Elizabeth W. Mata at (915) 845-3558. If Elizabeth W. Mata cannot be reached, the Examiner is invited to call David E. Brook at (978) 341-0036.

Respectfully submitted,

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Dated: *10/30/00*

MARKED UP VERSION OF AMENDMENTSClaim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

32. (Twice Amended) A method of activating endothelial nitric oxide synthase, comprising contacting the endothelial nitric oxide synthase with an effective amount of a constitutive nitric oxide synthase activator peptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, and SEQ ID NO. 9[, and activating fragments and derivatives of SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, SEQ ID NO. 9].
49. (Twice Amended) A method of treating a disease modulated by production of nitric oxide by endothelial nitric oxide synthase in a mammal, comprising administering to the mammal an effective amount of a constitutive nitric oxide synthase activator peptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, and SEQ ID NO. 9[, and activating fragments and derivatives of SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, SEQ ID NO. 9].